



## **Section IV**

### **Chapter 1 – Force**

#### **ARTICLE IV – Use of Electronic Control Devices (ECD)**

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##### **1.0 PURPOSE**

1.1 This policy is intended to provide general guidelines for the use of the Electronic Control Device (ECD). The ECD will be used as an additional police tool and is not intended to replace firearms or other self-defense techniques. The ECD may reduce the need for other types of physical force by the member.

##### **2.0 POLICY**

2.1 ECDs may be used on individuals who are actively resisting, or posing a risk of injury to themselves or others. ECDs must be used in compliance with the Vermont State Police use of force policy.

2.2 Only members who have attended and obtained certification by a Department approved training program may carry the ECD while on duty.

2.3 Only ECDs that have been authorized for use by the department and have been inspected for proper functioning may be used while on duty.

2.4 ECD recertification training by members assigned an ECD will occur annually based upon the manufacturer's recommendation.

2.5 ECDs are not to be carried or used by a member who is off duty.

##### **3.0 PROCEDURE**

###### **3.1 Use and Deployment Procedures**

(1) Only properly functioning and charged ECDs shall be carried for use. The ECD will be worn on the duty belt in a cross draw fashion on the opposite side of the duty belt that the Department service weapon is carried.

(2) With the exception of the daily spark test and accidental discharges, each time the ECD is unholstered for the purpose of influencing an individual's behavior it must be documented on the Vermont State Police Use of Force report. Accidental discharges shall be documented on a

departmental memorandum explaining in detail how it occurred and submitted through the member's chain of command. A copy of the memorandum shall be e-mailed to: [TASER@state.vt.us](mailto:TASER@state.vt.us) to address training issues.

(3) Prior to the use of the ECD members should verbally notify those on the scene by saying "Taser/Taser/Taser" indicating the use of the ECD is imminent.

(4) At the beginning of each shift, members shall initiate a spark test on the ECD to ensure it is in good operating condition. ECDs that are not functioning properly shall be taken out of service and sent to the Department armorer for repair.

### 3.2 Tactical Considerations and Limitations

(1) The ECD is not a substitute for lethal force, and should be used in conjunction with the ability to reasonably apply lethal force.

(2) Special consideration must be given to special populations that may be more susceptible to injury from ECD use, including but not limited to: the elderly, children, and those who the officer has reason to believe are in ill health or are pregnant.

(a) Persons with cognitive impairments shall be included within special populations identified as requiring special consideration before being subjected to the use of an ECD.

(b) For the purposes of the policy, a person with cognitive impairments shall be defined as an individual who the officer, based on training, experience and other available information, perceived to be a person with a disability detrimentally impacting the ability to communicate, move voluntarily, understand or comply with directions.

(c) ECD use shall be authorized if a person with cognitive impairment has a weapon or presents an articulable, imminent risk of harm to self or others.

(d) If not, ECD use shall only be authorized if there are no other reasonable alternatives to maintaining safety or taking a subject into custody.

(3) A member should use a reasonable number of ECD "cycles" in order to gain a subject's compliance.

- (4) No more than one member should deploy a properly functioning and effective ECD against a single subject at the same time.

### 3.3 Do not use the ECD in any of the following situations

- (1) ECDs are not to be used in a punitive or coercive manner, and shall not be used to awaken, escort, or gain compliance from passively resistant subjects.
- (2) ECDs are not to be used on any subject who is in contact with or in the presence of highly flammable or combustible materials and liquids.
- (3) Members should attempt to avoid the facial area of the head, neck, groin and female breast. Consideration should be given to the preferred target area of the center mass of a subject's back or lower center mass of a subject's front side.
- (4) ECDs are not to be used on any person that is shackled and/or handcuffed, unless there is an immediate threat to the member, suspect or bystander, or unless active resistance by the subject cannot otherwise be controlled.
- (5) ECDs are not to be used in an environment where the subject's fall could reasonably result in death or serious bodily injury.

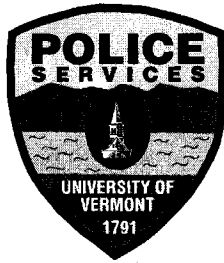
### 3.4 Post Use Procedures

- (1) After securing the subject in handcuffs, the ECD probes will be removed using the prescribed methods. However, if the probes are imbedded in soft tissue such as the neck, face, female breast area or groin, the member shall require the subject to be treated at a medical facility by medical personnel. The probes are #8 straightened fish hooks that penetrate a maximum of 1/4 inch.
- (2) Members shall comply with department infection control policies when removing or handling used probes (Section V, Chapter 15, Article V).
- (3) Members will complete an ECD Deployment Advisory Questionnaire (DPS 294A) after each deployment.
- (4) Members will have medical personnel at a medical facility examine all suspects who fall under any of the following categories:

- (A) The suspect has an obvious injury, which, in the opinion of the deploying member requires treatment.
  - (B) The suspect requests medical treatment for an injury, whether obvious or not.
  - (C) The suspect does not appear to recover properly after deployment.
  - (D) The suspect has been the subject of three or more Taser deployments, or a continuous deployment exceeding 15 seconds.
- (5) Members who utilize/deploy the ECD, must submit a Use of Force Report (DPS 294) to the Office of Professional Development - Training Division (OPD/TD), via their chain of command within 24 hours, giving the details of the incident and commenting on the effectiveness of the ECD.
- (6) All Data from the ECD shall be downloaded prior to replacing the DPM (battery) and emailed to: [TASER@state.vt.us](mailto:TASER@state.vt.us)
- (7) In the event that a member deploys his/her ECD in the field, the data stored in the ECD will be downloaded and include the time period for the past month up to the deployment as soon as possible. This downloaded information will be attached to the Use of Force Form submitted by the member who deployed the ECD. A copy of the Use of Force report and download shall be emailed to: [TASER@state.vt.us](mailto:TASER@state.vt.us) as soon as possible.
- (8) Members shall make a reasonable attempt to collect all probes and expended cartridge(s) after an ECD deployment. The deployed probes and expended cartridge(s) will be secured and stored in permanent evidence at the respective station until the case has been resolved and the statute of limitations has expired in accordance with training guidelines.
- (9) Photographs of the ECD probe entry sites shall be taken (when possible) prior to releasing the subject from custody.

Effective August 1, 2007  
Revised April 15, 2009  
Revised March 16, 2011

Revised October 1, 2011  
Revised June 15, 2012



*The*  
**University  
of Vermont**

**Department of Police Services**

<b>Department Directive #</b> <b>ADM – 120</b>  <b>Subject: Use of Force</b>	CALEA Standards  1.3.1, 1.3.2, 1.3.3, 1.3.4, 1.3.5, 1.3.6, 1.3.7, 1.3.8, 1.3.9, 1.3.10, 1.3.11, 1.3.12, 1.3.13
Rescinds All Previous Directives	Issue Date: 2002/06/10
Effective Date: 2002/06/10	Reviewed/Revised Date: 2013/01/02

This directive is for departmental use only and does not apply in any criminal or civil proceeding. Violations of this policy may form the basis for departmental administrative sanctions, but are not to be considered as a higher legal standard of conduct for officers in case of third party claims. Violations of law will form the basis for civil and/or criminal sanctions in a recognized judicial setting.

**Purpose:**

The purpose of this policy is to guide officers in the use of justified responses to resistance and/or aggression to include physical force while executing their lawful duties.

**Policy:**

It is the policy of this department that officers employ reasonable responses to subject(s) resistance and/or aggression to accomplish lawful objectives. All response to resistance/aggression must be objectively reasonable from a similarly trained and experienced officer's perspective. (1.3.1)

## **Introduction:**

This policy is not to be construed to require officers to assume unreasonable risks. In assessing the need to use force, the paramount consideration should always be the safety of the officer and the public. The reasonableness of an officer's decision to use force under this policy must be viewed from the perspective of an officer on the scene, who may be forced to make split-second decisions in circumstances that are tense, uncertain, and rapidly evolving, without the benefit of hindsight. Officers must be able to not only make split-second decisions in often chaotic circumstances, but then must be able to articulate well, both verbally and in writing, the facts and circumstances that would lead a reasonable officer to act in a similar way.

### **I. Definitions (1.3.2)**

- A. Force and Tactics – Conduct on the part of an officer that is designed to assist the officer in controlling a situation or the actions or behavior of a person or persons. Deadly force is the only force intended to cause serious injury or death. However, it is understood that other force options may unintentionally cause serious injury or death because of unknown circumstance or uncontrolled actions of the subject. It is understood that no tactic or force is certain of its intended success. Therefore, officers should be competent in their use of a range of justified responses in order to safely control the situation.
- B. Deadly Force – Any force that creates a substantial likelihood of causing death or serious bodily injury.
- C. Serious Bodily Injury – A bodily injury which creates a substantial risk of death or which causes substantial loss or impairment of the function of any bodily member or organ or substantial impairment of health, or substantial disfigurement.
- D. Reasonable Belief – The facts or circumstances, which would cause a reasonable person to act or think in a similar way under similar circumstances.
- E. Objectively Reasonable – The amount of force that would be used by other similarly trained and experienced officers when faced with the known facts and circumstances that the officer using the force is presented with. (*Sic from Graham v. Connor, 490 U.S. 386 (1989) 396-397*) (1.3.1)
- F. Imminent – Impending or about to occur. Imminent does not mean immediate or instantaneous, but that an action is pending. Thus, a subject may pose an imminent danger even if the subject is not at that very moment pointing a weapon at a member. For example, imminent

danger may exist if officers have probable cause to believe any of the following:

1. The subject possesses a weapon, or is attempting to gain access to a weapon, under circumstances indicating an intention to use it against the officer or others; or
2. The subject is armed and running to gain the tactical advantage of cover; or
3. A subject with the capability of inflicting death or serious physical injury – or otherwise incapacitating officers without a deadly weapon, is demonstrating an intention to do so; or
4. The subject is attempting to escape from the vicinity of a violent confrontation in which s/he inflicted or attempted the infliction of serious bodily injury or death upon another.

G. Resistance – There are two types of resistance as it applies to police use of force:

1. *Passive Resistance* is where a subject fails to act or respond to an officer's attempt to take him/her into custody. Some examples of passive resistance are: not standing or walking, or not putting hands behind back or opening them when the subject is capable of doing same.
2. *Active Resistance* is when a subject takes an affirmative action to defeat an officer's ability to take him/her into custody or to seize him/her.

H. Aggression – Those behaviors that are threatening or violent in nature. For the purposes of this policy, the subject's "aggression" generally needs to be directed toward another person or someone else's property.

## II. General Applicability and Guidance: (1.3.1)

- A. Use of force will apply to sworn law enforcement officers of the UVMPS.
- B. In order to be in compliance with these policies, an officer must be legally performing his/her duties when force is employed.
- C. Justification for use of force is based primarily in the findings and guidance of Graham v. Connor, 490 U.S. 386, (1989). This case states in part, "all claims that law enforcement officials have used excessive force - **deadly or not** – in the course of an arrest, investigatory stop, or other 'seizure' of a free citizen are properly analyzed under the Fourth

Amendment's '**objective reasonableness**' standard....". Therefore, according to this policy, the level of cause or justification for using any force on a free citizen is the objective reasonableness standard of the fourth amendment. It should also be understood, that the force is judged from the perspective of a reasonable officer. Officers are only required to make an objectively reasonable choice from among the force options, based on the facts and circumstances known to them at the time the force was used.

- D. Once the officer recognizes the force justification has changed, i.e. compliance or control, the officer needs to reassess the force application to the reasonably objective choice based on the current recognized circumstances.

### **III. Considerations in Determining Force Option(s)**

In determining the justified force response to the subject's resistance or aggression, an officer should consider:

- A. The seriousness of the offense known to the officer at the time the force is used
- B. What the physical threat is to the officer or others
- C. Is the subject actively resisting or attempting to evade arrest by flight

### **IV. Use of Force Options (1.3.4)**

It is impossible to categorize, define, or dictate the amount of force appropriate to a specific situation. Therefore, in order to control situations within the Fourth Amendment's objectively reasonable standard, officers must be able to justify their actions in the context of the totality of the circumstance of each incident.

Oftentimes officers can deescalate situations by their presence or through use of verbal persuasion.

#### **A. Officer Presence**

The visual appearance of an officer in uniform, or the announcement that an individual is a law enforcement officer, along with visible identification that the officer has the authority of the law may be all the action necessary to quell a situation.



B. Verbal Commands

Words spoken by the officer directing the subject as to the officer's expectations. This use of communication skills is achieved by persuading those at a scene to comply with verbal commands.

A circular model continuum is one that places the officer in the center of a circle with all of his/her options equally available to respond to the resistance or aggression of the subject(s). The following options of physical force are options that UVM PS officers are trained and equipped to use: (see attached Appendix A for more model detail)

**NOTE: The following options C through E are not intended to cause serious injury or death. It is understood that serious injury or death *could* unintentionally result from the force or tactic used because of unknown circumstances or uncontrolled actions of the subject(s).**

C. Physical Control/Force:

Physical force entails contact with a subject. As with resistance, there are differing degrees of physical force that are subject and/or situationally driven. What force the officer is justified in using is dependent on the resistance or aggression of the subject, as well as the totality of the circumstances known at the time of contact.

The range of tactics can vary from the officer's use of hands on the subject to direct the subject's movements; such as putting a hand on the shoulder of a subject in order to escort them away from the scene of a fight. These techniques have a low potential of injury to the subject or officer. Other tactics and/or force involve officer contact that involves substantial physical contact to forcibly overcome resistance/aggression. These tactics/techniques may include hand-to-hand control and restraint tactics, defensive tactics, strikes with or without tools. This force may include Pepperballs™ delivered at a subject or subjects, as opposed to an OC saturation deployment.

Officers should carry an impact tool with them while on patrol unless authorized by the supervisor or the department's opt-out process. This authorization needs to be in writing and filed in the officer's training file.

D. Chemical Agent Spray (Oleoresin Capsicum)

A pepper-based irritant use is justified when a subject exhibits active resistance or aggression.

A pepper-based irritant is intended to temporarily incapacitate without injury or long lasting effect. Pepperballs™ when used in a saturation deployment is considered the same as any O.C. delivery. The use of O.C.

will often eliminate the need to physically wrestle with a suspect, thereby reducing the potential of injury to the suspect, by-standers, and officers.

O.C. spray should be carried by all officers while performing patrol activities unless authorized not to carry the agent by the shift supervisor or departmental opt-out process. This authorization needs to be in writing and filed in the officer's training file.

E. Conducted Electrical Weapon (CEW)

(Taser™ model 26025 (yellow) with cross draw carrier or carried on the support side)

Use of the CEW is justified when a subject exhibits active resistance or aggression.

The CEW is a device that uses an electrical pulse of 50,000 volts which is intended to temporarily incapacitate without injury or lasting effects. The CEW will often eliminate the need for physically wrestle with a subject, thereby reducing the potential of injury to the suspect, by-standers, and officers.

While on patrol, the CEW should be carried with a Taser-cam installed in the Taser unit and in a department approved carrier, unless authorized not to carry the device by the shift supervisor. This authorization needs to be in writing and should only be for a limited amount of time. The documentation should be stored in the officer's portfolio.

The Department recognizes that having too many use of force options available to the officer can be both cumbersome to carry in the field, and can slow the decision-making process. The Department only requires the carrying of the Taser instrument and one of the two other officer issued options for general patrol duty. Officers will complete an opt-out form only if they decide **not to carry all three of the tools** the department issues and trains with. In every case, officers must continue to demonstrate proficiency with all force options.

V. **Deadly Force** (1.3.2)

Deadly force involves the use of a firearm or other "Deadly Weapon." As per Title 13, Vermont Statutes annotated, Chapter 19 Section 1021 (3), "Deadly Weapon" means any firearm, or other weapon, device, instrument, material, or substance, whether animate or inanimate, which in the manner it is used or is intended to be used is known to be capable of producing death or serious bodily injury.

Only those weapon systems approved by the Chief of Police and in which the officer has been trained to use and demonstrated proficiency with, may be carried on duty.

A. Deadly force is justified when:

1. The officer is faced with an imminent threat of serious bodily injury or death to self or some other person (Graham v. Connor, 490 U.S. 386, (1989)), **or**;
2. To prevent the escape of an individual in a situation where the officer has the following knowledge, perceptions, and circumstances at the time the officer applies the force:
  - a. Probable cause to believe the subject has committed a violent felony involving the infliction or threatened infliction of serious bodily injury or death **AND**
  - b. By the subject's escape the subject poses an imminent threat of serious bodily injury or death to another **AND**
  - c. Officers should warn the subject prior to using deadly force when feasible
  - d. That the use of deadly force must be necessary to prevent escape (Tennessee v. Garner, 471 U.S. 1, 105 S. Ct. 1694, 85 L.Ed.2d 1 (1985)).

B. Application of deadly force:

When the decision is made to use deadly force, officers may continue its application until the subject surrenders or no longer poses an imminent danger.

When deadly force is justified under this policy, attempts to shoot to cause minor injury are unrealistic and can prove dangerous to officers and others because they are unlikely to achieve the intended purpose of bringing an imminent danger to a timely halt.

Even when deadly force is justified, officers should assess whether its use creates a danger to third parties that outweighs the likely benefits of its use.

## **VI. Rendering Aid (1.3.5)**

Following any use of force, providing it is safe and the officer is able, officers should assure reasonable medical aid is provided to an injured subject at the earliest possible opportunity. This may include increased observation to detect obvious changes in condition, flushing chemical agents from the eyes, applying first aid, evaluation by EMS, or for more serious or life threatening incidents, evaluation at a medical facility. Any medical aid rendered should be noted on the Subject Management Form.

## **VII. Display of Weapon**

- A. Officers are authorized to unholster and/or display their firearms under the following circumstances:
  - 1. Where the use of Deadly Force is justified.
  - 2. Under circumstances where an officer reasonably believes that the potential for immediate use of the weapon is high and officer/public safety dictates that the weapon be unholstered and ready.
  - 3. In preparation for going on or off duty.
  - 4. During the course of firearms training.
  - 5. Where proximity to a suspect makes unholstering and securing the firearm appropriate (example; when fingerprinting a suspect).
  - 6. When securing the weapon is an institutional requirement (example; upon entering a lockup or jail).
  - 7. To destroy an animal that represents a substantial threat to human safety or is sick or injured to the point that humanity requires its relief from further suffering.

## **VIII. Restrictions and Safety**

- A. The following restrictions will apply to the use of firearms within the department:
  - 1. Warning Shots – Are prohibited (1.3.3)
  - 2. Vehicles – Officers of the department will not shoot at or from moving vehicles except in the immediate defense of life or when the officer reasonably believes that the escape of the suspect(s)

poses an imminent threat of death or serious bodily harm and other reasonable means of stopping the vehicle are not available, or have been exhausted. An attempt to stop a vehicle with gunfire should be viewed as a last resort.

3. Alcohol and Drugs – Officers will not carry or use firearms while consuming alcohol or drugs, when they anticipate that they will be consuming alcohol or drugs, or when under the influence of alcohol or drugs. Prohibited drugs include all illegal drugs and prescription or over-the-counter (OTC) drugs that indicate a negative mood or mind altering effect or side effect, such as drowsiness, coordination, hallucinations, etc.
4. Domestic Violence/Stalking/Sexual Assault Restrictions – An officer, against whom a valid court order is in effect, will not possess a firearm or any department issued use of force tools while off duty. All issued duty equipment, as well as any known second guns or personally owned weapons approved for duty use, shall remain secured by a supervisor at the department while off duty. This equipment includes handcuffs, impact weapon, Taser, OC, flashlight(s) or any tool that is issued by the department or known to be carried on duty and could be used as a force instrument. The officer will be allowed to carry all approved weapons and tools while actively on duty. The officer will give his/her gun locker key to the supervisor once the duty firearm(s) is/are secured. If the officer does not have a gun locker, it will be secured in a supervisor's locker and the supervisor "list" will be notified of same. The officer may not remove any firearm or force tool from the department unless they are on duty. The shift OIC will assure that the officer leaves the building without any department owned or personally owned/approved firearms or force tools.
5. Storage – At all times, firearms will be stored in a way that minimizes the potential of access by an unauthorized person (i.e. secured in locked cabinet, use of trigger lock, storing ammunition and firearm separately). (1.3.9 f)
6. Range Rules – Whenever practicing with a firearm, an officer will adhere to appropriate safety and range rules.
7. Weapon as Loaded – Until proven otherwise, all firearms will be considered loaded and charged.
8. Pointing the Weapon – Firearms will not be pointed at a person or animal except as required for self-defense, defense of life, or humane destruction of an animal.

9. While in Uniform – An officer who is wearing the department uniform in public, including while traveling to/from the department to home, will be armed with a firearm and will be carrying his/her badge and department identification.

## **IX. Report – Discharge of Firearm/Injury**

- A. Where a sworn member of the department discharges a firearm on duty, or in his/her capacity as a law enforcement officer while off duty, or when force that could result in death or serious bodily injury is employed, a report using the department format will be filed. The only exception will be during training or practice with no injury. (1.3.6 a)

- B. Immediate Action On-Scene

Once the situation is safe, the officer should attempt the following:

1. If possible, the officer will call for assistance to include medical aid.
2. Medical Aid - In cases of injury, officers, once it is safe and the officer is able, shall be responsible to ensure that appropriate medical aid is provided to the injured subject at the earliest possible opportunity. (1.3.5)
  - a. The Officer In Charge shall be notified of all injuries incurred as a direct or indirect result of use of force in an arrest situation.
  - b. All injuries incurred by prisoners as a result of the use of force in an arrest situation shall be documented in the arrest report as well as in the Subject Management Report.
  - c. At the discretion of the Officer in Charge, minor injuries may be treated by the officer or by rescue personnel. If the person has been tased and doesn't appear to recover quickly, rescue should respond.
  - d. Prisoners with serious injuries and those that request medical care shall be taken to the Fletcher Allen Health Care facility.
3. As soon as practical after the incident, the officer should briefly summarize the incident verbally to the immediate supervisor, so the supervisor may control the scene and assess the situation for additional resources. The immediate supervisor will orally notify the Captain, who will contact the Chief/Director. Where no shift

supervisor is available, the first oral report will go directly to the Captain, who will in turn notify the Chief/Director of Police Services.

C. Reporting Process:

1. Only after psychological intervention with a licensed mental health professional, will the officer submit a written report as a draft narrative. If circumstance dictates, the Chief/Director may defer the formal report for up to 3 days. The report will explain the justification for the force used, using Sections I-III of this policy for guidance, describing what force/tactic was used and what injury (if any) was inflicted or sustained, if known.
2. If the involved officer is injured or otherwise unable to submit a report, a supervisor will be assigned to submit the initial written report.

**X. Investigation and Review**

- A. In the event that an officer's actions or use of force results in death or serious bodily injury, or at the direction of the Chief of Police or designee, the following may occur:

**Initial requirements**

1. The shift supervisor shall take control of, and secure the incident scene for the purpose of conducting an investigation.
2. The weapon(s) or tool(s) involved in the incident will be secured as investigative evidence.
  - a. When a department duty weapon is secured as evidence, the Chief/Director of Police Services shall authorize a replacement weapon of the same make/model/caliber as soon as practical.
  - b. In situations where personally owned approved weapon(s) are seized, the department will not provide a replacement weapon.
3. The officer(s) involved in the incident should be transported to UVM Police Services Headquarters, appropriate treatment facility, or comfortable location away from the scene.
4. An officer (a Peer Officer Support Team member whenever possible) will be assigned to stay with the involved officer(s).

5. As soon as possible, the Chief/Director of Police Services and the Captain will be notified.

## **XI. Investigative Process**

- A. The Captain will oversee an administrative investigation into **any** incident where actions in an official capacity by a member(s) of the department results in (or is alleged to have resulted in) death or serious bodily injury. Where Captain is a principle in such an incident, the Chief/Director will oversee the administrative investigation. Where the Chief/Director is the subject of an investigation, the report will be submitted to the Director/Colonel of the Vermont State Police for review.
- B. The Chief/Director, after consulting with a mental health professional and the involved member, will place the member on administrative leave or administrative duty where enforcement action cannot occur, pending completion of the investigation. The member(s) shall be kept informed of the progress of the investigation. (1.3.8)
- C. Interview of involved member(s) shall not take place until at least 24 hours after the incident. The interviewer will take into account the medical/psychological needs of the member(s) when scheduling the interview. Generally the interview could occur after 24 hours up to 72 hours. The member should be rested prior to the interview.
- D. In the absence of mitigating circumstances, the investigation should be completed within five (5) calendar days of the incident. The five (5) day limit may be waived by the Chief/Director of Police Services.
- E. In determining whether the actions or use of force was justified, the investigation shall consider only those facts known to the member at the time that the force was used.
- F. The report shall include:
  1. Relevant facts and circumstances surrounding the incident, including subject actions.
  2. A determination whether the force used was consistent with department policy.
  1. Recommendation(s) for further action.
- G. Upon completion of the investigation/review of the incident, the Chief/Director of Police Services will notify the involved member(s), in writing, of the outcome.



## **XII. Psychological Follow-up**

- A. The Chief/Director of Police Services will direct any psychological follow-up for traumatic incident exposure(s).
  - 1. An officer involved in an incident must undergo an initial psychological follow-up prior to reassignment to full duty.
  - 2. Upon approval of the Chief/Director of Police Services, an officer may seek psychological follow-up with a licensed professional of his/her choice.
  - 3. Costs associated with psychological follow-up will be borne by the department.

## **XIII. Training**

All training related to Use of Force should be kept in the officer's central training file. This file should be maintained by the Department's administrative assistant and monitored by the Administrative Lieutenant. Access should be limited to supervisors.

- A. All sworn personnel shall be issued a copy of the department's Use of Force Policy and will receive classroom training on its content prior to being authorized to carry a firearm and annually thereafter. (1.3.12)  
(1.3.11 b)
- B. All sworn personnel will qualify at least annually with the firearms that they carry on duty to include second firearms, and may demonstrate proficiency with off duty weapons systems if they so choose. All expenses for the second weapon and/or qualifications/proficiency requirements are the sole responsibility of the individual officer. This training will be conducted by certified firearms instructors. (1.3.10)  
(1.3.11 a)
- C. Sworn personnel shall not be permitted to carry or use a weapon on duty unless they have been trained and qualified in its use as determined by department training procedures. Written documentation of training and qualification will be kept in the officer's central training file. (1.3.10)  
(1.3.11 b)
- D. An officer who has taken an extended leave of over six (6) months, or has suffered illness or injury that could affect his/her use of force tactics weapon proficiency or skills, will receive a refresher and/or re-qualify with an instructor in that tactic/skill or weapon system before returning to law enforcement duties. (1.3.10)

#### **XIV. Subject Management Report Form**

- A. Officers are required to submit a Subject Management Report form whenever:
  - 1. Their actions result in, or are alleged to have resulted in, injury or death of another person and/or (1.3.6 b)
  - 2. They apply force to a subject greater than the option of voice commands/verbal persuasion in the Use of Force Continuum. (1.3.6 c) (1.3.6 d)
  - 3. Subject Management Reports will be submitted to the immediate supervisor by the end of the shift, unless waived via section VIII C. of this policy. This report will be forwarded to the Chief/Director via the chain of command. Each level of the chain of command will indicate on the form that it has been reviewed. (1.3.7)
- B. The Administrative Lieutenant will conduct a documented annual analysis of this report, which will determine any patterns or trends, which could indicate training needs, equipment upgrades and/or policy modifications. (1.3.13)

#### **XV. Media Relations**

Press releases/media relations relative to use of force investigations will be the responsibility of the Chief/Director, or designee.

**By Order of the Chief/Director**

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**Lianne M. Tuomey, MSW**



*The*  
**University  
of Vermont**

**Department of Police Services**

<b>Department Directive #</b> <b>OPS – 120</b>	CALEA Standards
<b>Subject: Force Instrumentality</b>	1.3.4, 1.3.5, 1.3.9, 1.3.10, 1.3.11, 1.3.12
Rescinds All Previous Directives	Issue Date: 2002/06/10
Effective Date: 2002/06/10	Reviewed/Revised Date: 2013/01/02

**Purpose:**

To provide guidelines for the authorized weapons that may be carried.

**Policy:**

It is the policy of this department to identify the authorized weapons/instruments and ammunition that may be carried by sworn personnel both on and off duty; as well as the training and qualification requirements for each use of force instrument.

**I. Authorized Weapons: On Duty**

- A. The Chief/Director, or his/her designee, shall approve all firearms, ammunition, holsters, and ammunition carriers authorized for on duty use by members of the UVM Police Services. The current approved UVMPS duty weapon is a Glock Model 22; the holster is a minimum level II retention; and ammunition is factory fresh 40 caliber, JHP. Also approved for plain clothes work is the Glock Model 27; with a holster of the officer's choosing. Ammunition is the same as the Model 22. Officers may carry a personally owned pistol while on plain clothes duties, as long as all requirements/approvals are met. All officers must qualify and carry as the primary weapon the Glock Model 22 for uniform duties.

(1.3.9 a) (1.3.9 b) (1.3.10)

- B. Individual officers are responsible to assure proper care and maintenance of the department issued and any personally owned firearm and duty gear.
- C. The department also allows officers to qualify and carry second handguns in addition to the Glock models noted above, as well as personally owned weapons in place of department issued weapons. While on plainclothes details, officers may carry personally owned weapons that are different than the department issued Glock models and calibers. Officers in plainclothes choosing to carry a different weapon must qualify by the department's on-duty qualification course annually. The weapon must be carried in at least a Level 1 retention holster while on duty. The officer is responsible for all costs incurred for plainclothes carry of a personally owned weapon. (1.3.10)
  - 1. Second weapons may be carried on duty under the following conditions:
    - a. Approval of the Chief
    - b. Qualify according to the Department's second gun standard
    - c. Carry on duty in a secure holster system
    - d. Officer completes all waivers and agrees to accept all costs incurred for the department carry.
  - 2. A firearm submitted for approval for second weapon duty carry may be a revolver or semiautomatic pistol of good quality and in one of the following calibers: .380 Automatic, 9mm (Luger Parabellum), .38 Special, .357 Magnum, .357 Sig, .40 Smith and Wesson. Unless a specific accessory is approved, the firearm must be unaltered from its original factory manufactured specifications. (1.3.9 a)
  - 3. Ammunition submitted for approval for duty use must be factory new, first quality ammunition of the proper caliber designation for the firearm and must contain single, non-explosive, non-incendiary projectiles of a jacketed hollow point configuration. (1.3.9 b)
  - 4. Personally owned firearms, pistols or rifles, may be carried on duty in place of the Department issued weapon under the following conditions:
    - a. Approval of the Chief
    - b. Meet all the qualification and training standards for Department weapons (1.3.10)
    - c. If the weapon is issued to an individual officer, the Department weapon must be turned in or not signed out for the shift

- d. Only Department issued ammunition will be carried
- e. Complete all liability waivers and agree to accept all additional costs incurred for Department carry.

## **II. Authorized Weapons, Off Duty**

- A. The UVM Department of Police Services does not mandate or encourage its police officers to carry firearms while off duty. However it recognizes the professional and statutory obligations of police professionals in maintaining public safety and order whenever possible. Authorization to carry a firearm while off duty shall not be construed as encouragement or as a requirement, except as specified in sub-section (1) of this section.
  - 1. An officer, who is in the UVM Police Services uniform while traveling between his/her home and the work place, will be armed with a firearm.
- B. Where a sworn officer has successfully completed all required training with his/her duty firearm, s/he will be considered to have approval to carry that firearm and ammunition off duty. If the department weapon is to be carried off duty, it shall be carried in a holster with at least a level 1 retention system. (1.3.9 a)
- C. It is recommended that sworn personnel who wish to carry of a personally owned firearm for off duty complete the following:
  - 1. Submit the weapon and ammunition to the firearms training staff for inspection and recommendation for approval to the Chief/Director. Approval shall be at the discretion of the Chief/Director. (1.3.9 a)  
(1.3.9 b)
  - 2. The firearm may be a revolver or semiautomatic pistol of good quality and in one of the following calibers: .380 Automatic, 9mm (Luger Parabellum), .38 Special, .357 Magnum, .357 Sig, .40 Smith and Wesson, 10mm Automatic, .44 Special, .45 ACP. Unless a specific accessory is recommended for approval, the firearm must be unaltered from its original factory manufactured specifications. (1.3.9 a)
  - 3. Ammunition for off duty use must be factory new, first quality ammunition of the proper caliber designation for the firearm and must contain single, non-explosive, non-incendiary projectiles, such as lead semiwadcutter, jacketed semiwadcutter, jacketed softpoint, or jacketed hollow point configuration. (1.3.9 b)
  - 4. The officer must demonstrate proficiency by completing and passing a qualifying course of fire, administered by the department's firearms training staff prior to carrying an off duty firearm. All costs associated with any training with a personally owned firearm will be borne by the

officer requesting approval for carry. Should an officer wish to carry a personally owned weapon while working in plainclothes, the officer must pass the department's duty qualification course with that weapon annually. (1.3.10)

5. Complete all liability waivers and agree to accept all additional costs incurred.

### **III. Prohibited Firearms**

- A. No firearm except as approved by the Chief/Director will be carried on duty.
- B. An officer carrying a NON-APPROVED firearm, either on or off duty, will be considered a civilian and not a representative of the UVM Department of Police Services. Actions of an officer choosing to carry a NON-APPROVED firearm will be considered to be those of a private citizen, and not covered by University or Department rules and regulations or protections. (1.3.9)

### **IV. Patrol Rifle (1.3.9 c)**

UVM officers, who have received specialized training in the use of long arms, are authorized to carry patrol rifles in their cruisers or on specialized details. The training in the use of the patrol rifles shall include, but may not be limited to, department-level proficiency and annual re-qualification training, conducted by a Patrol Rifle Instructor approved by the Vermont Criminal Justice Training Council. This instructor may be assisted during this training by Firearms Instructors with experience in the use of the police patrol rifle. (1.3.10) (1.3.11a)

The qualification course shall be designed by a Patrol Rifle Instructor and can be administered by a certified firearms instructor. The course should include various distances, and should be designed to demonstrate proficiency in marksmanship and weapon handling skills. (1.3.11 a)

The rifle may be deployed whenever lethal force is justified, and shall be governed by the use of force guidelines contained policy ADM-120.

Special consideration is to be given the increased power and range of the rifle, as opposed to the handgun, and this must be considered when using the patrol rifle. It is imperative that the officer consider the backstop and ricochet potential when employing the patrol rifle.

#### **A. Deployment (1.3.9 f)**

1. The rifles owned by UVM Police shall be deployed for patrol by qualified personnel at the beginning of each shift. The rifle shall be returned to the secured area in the office at the end of the

shift. In circumstances where return to the office is not possible, the rifle will be removed from the vehicle while the vehicle is left unattended, (e.g. the cruiser is in an accident and is towed, or the cruiser needs to go for service.) In these situations an officer should remove the rifle and it should remain under the physical control of the officer at all times until it can be secured in a cruiser rack or at the department.

2. Rifles which are checked out for patrol shall record the rifle number on the daily equipment sheet.
3. While inside the vehicle, the patrol rifle shall be secured in the locked rack, or in the case in a locked trunk for transport. It shall only be removed as necessary for safekeeping, cleaning, or deployment in a justified situation which calls for the use of the rifle.
4. While in the cruiser, the rifle shall be carried with an empty chamber, trigger pulled, with the selector switch in the fire position and a loaded single stack magazine inserted in the magazine well. The weapon shall remain in this condition unless a threat is anticipated and the rifle deployment is justified. In most circumstances, the officer should exit the cruiser before chambering a round.

B. Rifle/Ammunition Specifications (1.3.9 a) (1.3.9 b)

1. The minimum caliber for a patrol rifle shall be the .223 Remington, or its military designation of 5.56mm (NATO).
2. Rifles may be of the following action types: AR-15 semi-automatic.

C. Accessories

Sighting devices such as holographic sights, enhanced target acquisition optics (e.g. EOTech or Jaycor optics), or laser devices may be approved on a case-by-case basis by the Chief or designee. All officers should be trained with the accessories and demonstrate proficiency.

- D. Any discharge of the patrol rifle shall be reported in accordance with this policy.

V. **Conducted Electrical Weapons:** (1.3.4)

- A. The deployment of the **CEW** is authorized as a force option when:
1. Subjects are actively resistant or exhibiting active aggression or harm to themselves or others, or

2. If the officer has reason to believe that the subject is a threat of physical harm to her/himself or others due to the subject's actions, behaviors or other indicators.

**NOTE:** The fact that a subject is fleeing is not, in-and-of itself, justification for the use of the CEW. Conditions such as severity of the offense(s) and other circumstances such as location need to be considered to provide justification.

- B. As with all uses of force, the CEW should not be used in a punitive or unlawfully coercive manner. The device shall not be used to awaken, escort, or gain compliance from passively resistant subjects. Special consideration must be given to **special populations** that may be more susceptible to injury including the **frail elderly or small children, or those persons the officer believes may be in ill health or pregnant.**
- C. Absent the threat of weapons, the CEW should not be used in the following circumstances:
  1. When the officer knows that the subject has come into contact with a flammable substance or there are flammable substances in the atmosphere
  2. When the subject is a member of a special population noted in section V (B), unless deadly force is the only other option
  3. When the subject is obviously physically disabled and does not pose a physical threat to the officer
- D. Other considerations prior to deploying the CEW are:
  1. The subject's location where a fall could reasonably result in death or serious bodily injury
  2. When the subject has physical control of a motor vehicle
- E. Deployment and after care:
  1. Officers deploying the device should energize the subject the least number of times for the shortest duration necessary to gain compliance. Officers should plan how they intend to control the subject while under the power to limit the number of times a person has to be energized. Generally, only one CEW should be used on a subject at any one time. Each time a subject is energized will be considered a separate use of force for purposes of justification and reporting.
  2. Officers may remove the probes at the scene unless it is not practical or one of the following occurs:



- a. The subject is hit in a sensitive area such as the face, neck, throat, groin, woman's breast, and stomach (of a pregnant woman).
  - b. The subject does not appear to recover properly after being energized, or the officer encounters problems when attempting to remove the probe(s).
  - c. In these cases, Emergency Medical personnel should attempt to remove the probe(s). **In all cases the officer should check the probe to assure that the probe, to include the barb, is intact prior to storing the deployed cartridge.**
3. A subject who has received a charge from an CEW shall be medically evaluated at a minimum by EMS; **or** by the Emergency Department if one of the following occurs: (1.3.5)
  - a. The subject is identified as a member of a special population identified in section V (B) of this policy
  - b. The subject has been energized more than 3 times, or has been subject to more than one CEW, or has been energized for a continuous cycle of 15 seconds or more
  - c. The subject exhibited signs of extreme uncontrolled agitation or hyperactivity prior to the CEW exposure or does not appear to recover properly after being energized, or the subject was involved in a lengthy struggle or fight prior to being exposed to the CEW
  - d. The subject requests medical attention or answers in the affirmative to any of the areas on the deployment advisory form
4. The "deployment advisory" (Appendix C) should be read to every subject as soon as reasonable after being exposed to the CEW. The completed advisory should be attached to the incident. The deploying officer shall notify the shift supervisor as soon as practical regarding all deployments. All officers present shall complete a narrative and attach it to the incident and, if required, a Subject Management form.
5. When practical, the deploying officer should attempt to retrieve some of the evidentiary tags (AFIDS), the probes, along with the cartridge used and turn them over to the shift supervisor as evidence in the CEW's use in the incident. When practical, reasonable attempts should be made to obtain digital pictures of the impact area of the probe(s) and any subject injuries. These pictures should be attached to the incident report as documentation.

## F. Supervisory responsibilities:

1. Whenever practical, supervisors should respond to deployment incidents to include unintentional discharges.
2. Supervisors are responsible to capture the data-download from the CEW and to gather the AFIDS, cartridge and probe(s), which will be placed into temporary evidence and stored in evidence for three years for liability reasons. The data should be stored on the department's server in the Officer directory, shared folder in the "Taser" folder. The download should be named with the deploying officer's name and the incident number or the officer's name and "Unintentional discharge" and the date.
3. Track the deployments in the officer's portfolio as part of the department's early intervention system to include unintentional discharges.
4. Review narratives and Subject Management forms for details that explain the facts and circumstances that led to the deployment and to assure adherence to policy. (1.3.7)
5. Complete a bi-monthly download to reset the internal clocks of the CEW units for each officer.
6. Supervisors will initiate a force investigation under the Professional Standards division for all deployments that meet any of the following conditions:
  - a. Serious injury or death
  - b. Special Population
  - c. Appearance of excessive or punitive use
  - d. Where the subject was energized more than 3 times or for longer than 15 seconds
  - e. Where the subject files a complaint of, or intimates, excessive force
  - f. Other circumstances that the supervisor deems appropriate such as the appearance of a substantial deviation from training
  - g. At the direction of the Chief or designee

G. Training/Maintenance/Storage:

1. Only sworn officers who are trained according to department standards will be issued an CEW to carry while on duty. Officers will also carry a Taser-cam in the unit while on duty. Any reason for not carrying a Taser and/or cam must be brought to the attention of the OIC prior to beginning patrol duties. Officers will refresh with the CEW annually. (1.3.10) (1.3.11)
2. The officers shall conduct a spark test every day prior to duty and will bring any problems to the attention of the shift supervisor as soon as possible. Any Taser and/or Cam that is defective will be replaced as soon as practical. The defective equipment will be sent back for repairs. (1.3.9 d)
3. The officer should periodically wipe out the cartridge port of the CEW with a dry, soft cloth to remove any carbon that may build up from sparking the unit. (At least every 50 sparks and/or deployments)
4. All issued CEWs shall be stored in the officer's gun locker with the battery pack or Taser-cam installed when not on duty, unless the officer receives written authorization to store it elsewhere.

**VI. Baton (1.3.4)**

Officers will be trained and certified in the use of either the department issued **side handle baton or straight baton** before being allowed to carry, and shall demonstrate their proficiency minimally on a biennial basis to a certified instructor. Officers trained with an impact weapon may opt out of carrying it while on uniform patrol. Officers who carry a baton and do not have their baton with them shall complete a written report explaining why they didn't have their baton with them. This report should be completed by the end of the officer's shift and given to the on-duty supervisor. The supervisor shall forward the report to the Captain as soon as practical. Any baton that is found defective will be reported to the supervisor and will be returned for repair or replacement. (1.3.9 d) (1.3.10) (1.3.11 a)

**VII. Oleoresin Capsicum (OC) Spray (1.3.4)**

All personnel trained and certified in the use of the department issued OC spray shall carry the OC with them when on duty in uniform, unless they opt out. Officers who do not have their OC spray with them shall complete a written report explaining why they didn't have their OC with them. This report should be completed by the end of the officer's shift and given to the on-duty supervisor. The supervisor shall forward the report to the Captain as soon as practical. All personnel carrying OC shall review proper use minimally on a biennial basis. Any outdated spray will be returned to the Administrative Lieutenant and a new canister will be issued. (1.3.9 d) (1.3.10) (1.3.11 a)

**VIII. PepperBall (1.3.4)****A. Background:**

PepperBall Projectiles are plastic spheres that are filled with Oleoresin Capsicum (OC) powder. A high-pressure air launcher delivers the projectiles with enough force to burst the projectiles on impact, releasing the OC powder.

PepperBall Projectiles subdue suspects with a combination of kinetic impact and OC powder. The sting of the impact of the PepperBall Projectiles causes a psychological impression of being shot, which is combined with the strong irritation of the OC powder to the suspect's nose and lungs. When inhaled, the OC powder within the PepperBall Projectiles leads to coughing, shortness of breath, and in some instances vomiting. Some individuals experience eye irritation as well.

Response to inhaling the OC powder in PepperBall Projectile varies among individuals. In most cases the symptoms last between five and 10 minutes. The PepperBall launching system can deliver the projectiles with enough kinetic energy to produce temporary abrasions, bruises, and/or welts.

**B. Deployment Guidelines:**

Although classified as a Non-lethal device, the potential exists for the projectiles to inflict injury when they strike the face, eyes, neck, and groin. Therefore, personnel deploying the PepperBall System should be trained to avoid intentionally striking those body areas unless a life-threatening situation exists.

The use of the PepperBall System falls within OC and physical force option of the department's Situational Use of Force Options chart.

Once trained, the officers may carry the launcher system in the cruiser. The system should be function checked prior to every shift. If found to be defective, it will be taken out of service to be repaired by a qualified source. The supervisor will be immediately notified. (1.3.9 d)

Officers encountering a situation that may require the use of the PepperBall System, when feasible, shall immediately notify the supervisor. Officers are authorized to use the system without supervisor approval if justified according to this policy.

**C. Reporting:**

The use of the PepperBall System, where the suspect has been hit or a saturation effect is used, is considered a reportable use of force, therefore, a Subject Management Report needs to be completed, along with the Supervisor's review.

Whenever the PepperBall system is used the deploying officer should report the following information:

**Did the suspect comply when the launching system was deployed without rounds being fired?** (Circle one) Yes No

**What were the environmental conditions?**

(Circle all that apply)

- |              |           |              |
|--------------|-----------|--------------|
| • Daytime    | Dusk/Dawn | Night        |
| • Calm       | Breezy    | Windy        |
| • Dry        | Foggy     | Raining/snow |
| • Cross Wind | Tail Wind |              |

**Range to Suspect:**

**Number of Projectiles Fired:**

**Number of Hits on Target:**

**Suspect Reaction:**

After deployment where an individual(s) have been exposed to the OC agent or struck with a PepperBall the supervisor shall review the facts and circumstances of the deployment and if warranted make notifications to the Operations Captain.

D. Training:

Only qualified, department-trained personnel shall be allowed to deploy and use the PepperBall System. Training should consist of launcher system function check, charging the launcher, and re-charging the canisters, projectile properties, and deployment options. Officers will also demonstrate proper set up, and function check of the launcher, and selection and deployment of the PepperBall. (1.3.10)

E. Evaluation:

Each deployment of a PepperBall System shall be documented on the Subject Management form. This includes when the launcher is only directed toward or seen by the suspect whether or not the launcher was used. Only non-incident deployments are exempt from completing a report. (e.g., training, accidental discharges, or product demonstrations).

**IX. Inspections (1.3.9 c)**

- A. All tools and weapons, including firearms approved for duty carry by sworn members of the department, will be periodically inspected for proper condition and function by a supervisor or instructor in that particular tool/weapon. The department instructors and/or department armorer will keep documentation of all weapons/firearms inspections and repairs.
  - 1. Individual officers are responsible to assure proper care and maintenance of their department issued firearm and duty gear.
  - 2. A departmentally owned firearm that is found to be defective will be taken out of service and sent to a qualified source for repair. A replacement of the same make, model, and caliber will be temporarily issued to the officer to whom the defective firearm was assigned. (1.3.9 d)
  - 3. A personally owned firearm, which is found to be defective, will be returned to the owner with an accurate description of the defect. The owner will not be authorized to carry the firearm until it has been repaired at the owner's expense and appropriate documentation is obtained from an armorer. The firearm will then be re-inspected by the firearms training staff or armorer. (1.3.9 d)

**X. Training**

All training related to Force Instrumentality should be kept in the officer's central training file. This file should be maintained by the Department's administrative assistant and monitored by the Administrative Lieutenant. Access should be limited to supervisors and the individual officer.

- A. All sworn personnel shall be issued a copy of the department's Use of Force Policy and will receive classroom training on its content prior to being authorized to carry force instruments and annually thereafter. (1.3.12) (1.3.11 a)
- B. All sworn personnel will qualify at least annually with the firearms that they carry on or off duty and at least biennially review OC and demonstrate proficiency with the baton. This training will be conducted by certified instructors. (1.3.10) (1.3.11 a)
- C. Sworn personnel shall not be permitted to carry or use a weapon unless they have been trained and qualified in its use as determined by department training procedures. Written documentation of training and qualification will be kept in the officer's central training file. (1.3.10) (1.3.11 b)

- D. Sworn personnel who fail to satisfactorily meet department standards with an authorized off duty weapon, in accordance with department testing procedures, will lose the department's authorization to carry that weapon off duty. (1.3.11 c)
- E. Sworn personnel who fail to qualify and to satisfactorily demonstrate proficiency with any department force instrument and/or tactics in accordance with department procedures shall be relieved of their police powers and immediately reassigned to non-enforcement duties, pending successful completion of remedial training by the appropriate training staff. The subject instructor will develop a written remediation plan and document each session. Upon completion of the plan, the plan and all related documentation will be forwarded to the officer's central training file. If, after reasonable efforts an officer is not able to certify, the Chief/Director may initiate the officer's decertification, which would result in loss of employment as a sworn officer. (1.3.11 b) (1.3.11 c)
- F. An officer who has taken an extended leave of over six (6) months, or has suffered illness or injury that could affect his/her firearms or other instrument/tactic proficiency, will be re-qualified by the subject instructor before returning to law enforcement duties. (1.3.10)

## **XI. Records**

- A. The Administrative Lieutenant is responsible for maintaining records pertaining to all department firearms, authorized ammunition, personal firearms authorized for off duty carry, firearms training, and firearms qualification. The officer will be responsible to assure approved off duty weapons forms (qualification sheets, personally owned tracking forms, etc.) are completed. These records will be maintained in the officer's training files. (1.3.9 e) (1.3.11 b)

**By Order of the Chief/Director**

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**Lianne M. Tuomey, MSW**

# BRATTLEBORO POLICE DEPARTMENT

## POLICY, PROCEDURES AND RULES

<b>Subject: Use of Force</b>	<b>Number: 601</b>
	<b>Effective Date: 19 February 2008</b>
	<b>Originator: Staff</b>
<b>Distribution: All sworn</b>	<b>Page 1 of 9</b>
<b>Town Attorney:</b>	<b>Town Manager:</b>
<b>Approved by Chief:</b>	

### **Fourth Amendment of the United States Constitution:**

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or Affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

## **I PURPOSE**

The purpose of this order is to provide Law Enforcement Officers of the Brattleboro Police Department with guidelines, restrictions and post-incident procedures for the use of force.

## **II POLICY**

Police officers are agents of the State, employees of the Town of Brattleboro and perform a social service of great importance. It is the policy of the Brattleboro Police Department that officers will use only the reasonable force necessary to control a situation, effect an arrest or detention, overcome resistance or defend themselves or others from physical harm or to accomplish a legal purpose. The degree of force used will depend on what the officer perceives as reasonable and necessary and which another reasonably prudent officer would use under the same or similar circumstances. Officers are expected to make an objectively reasonable choice from among the force options, based on the facts and circumstances known to them at the time. This shall also be in accordance with current departmental training and court rulings which may change from time to time. (1.3.1 CALEA 2006)



### III DEFINITION

- A. Deadly Force: Physical force which a person uses with the intent of causing, or which the person knows or should have known would create a substantial risk of causing, death or serious bodily injury.
- B. Non-Deadly Force: Any force employed which is neither likely nor intended to cause death or serious physical injury. This includes any physical effort used to control or restrain another, or to overcome resistance or immobilize a subject.
- C. Physical Control and Restraint: Techniques, which redirect movement or cause compliance to direction. These techniques may be with tools or without tools.
- D. OC spray/foam: Oleoresin Capsicum is an irritant solution delivered via differing delivery systems in either spray, fog or dispersion device.
- E. Taser: An Electronic Control Device that uses an electrical pulse which will temporarily incapacitate a subject.
- F. Impact devices: Devices designed to deliver blunt force. The impacts of those devices are intended to immobilize and/or gain control of a person.
- G. Bodily Injury: physical pain, illness or any impairment of physical condition
- H. Serious Bodily Injury:
  - A. bodily injury which creates any of the following
    - i) a substantial risk of death
    - ii) a substantial loss or impairment of the function of any bodily member or organ;
    - iii) a substantial impairment of health; or
    - iv) substantial disfigurement; or
  - B. strangulation by intentionally impeding normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person.

### IV JUSTIFICATION

#### A. Deadly Force

No distinction shall be made relative to the age of the intended target of force. Self defense and imminent threat shall be the only policy guideline for employing **deadly force**.

1. An officer may use deadly force when he/she reasonably believes that the action is to protect him/herself or another person from what the officer perceives to be an imminent threat of death or serious bodily injury. Vermont Statutes Title 13 Section 2305 states the doctrine of self defense. (1.3.2 CALEA 2006)

2. A sworn officer may use deadly force to effect an arrest or prevent escape from custody of a person whom he/she reasonably believes has committed or is committing a felony involving the use of force and violence, is using a deadly weapon and attempting to escape, or is likely to seriously endanger human life or inflict serious bodily injury unless apprehended without delay. Officers will, if appropriate, make reasonable efforts to advise the person that he/she is a law enforcement officer attempting to effect an arrest and has reasonable grounds to believe that the person is aware of these facts.
  - a. Warning shots or discharging of a firearm to warn a suspect of potential further actions by officers are prohibited. (1.3.3. CALEA 2006)
  - b. Discharging a firearm from or at a moving vehicle is prohibited except as a last resort to protect him/herself or another person from what the officer reasonably believes to be imminent threat of death or serious bodily injury.

#### **2305. Justifiable homicide**

If a person kills or wounds another under any of the circumstances enumerated below, he shall be guiltless:

- (1) In the just and necessary defense of his own life or the life of his or her husband, wife, parent, child, brother, sister, master, mistress, servant, guardian or ward; or
- (2) In the suppression of a person attempting to commit murder, sexual assault, aggravated sexual assault, burglary or robbery, with force or violence; or
- (3) In the case of a civil officer; or a military officer or private soldier when lawfully called out to suppress riot or rebellion, or to prevent or suppress invasion, or to assist in serving legal process, in suppressing opposition against him in the just and necessary discharge of his duty. (Ammended 1983)

#### **B. Non Deadly Force**

An officer is justified in using non deadly force upon another person/s when and or to the extent that, he/she reasonably believes it necessary to control a situation, effect an arrest or detention, overcome resistance or defend themselves or others from physical harm or to accomplish a legal purpose. Brattleboro Police Officers will use only the force necessary and appropriate to gain and maintain compliance or control of a suspect and the force should be stopped once the compliance or control has been achieved, or the legal purpose accomplished.

## **V CONTINUUM OF FORCE**

It is unrealistic to attempt to categorize and define all use of force situations. However, it is reasonable to categorize the levels of force that may be used in various situations. The option of force used should escalate/de-escalate as individual circumstances dictate. In order to control situations within the Fourth Amendment's objectively reasonable standard, officers should continually evaluate the circumstances of each incident. A circular use of force continuum model is one that places the officer in the center of a circle with all of the force options equally available. The preferred means of using force are set forth below in order from least severe to the most drastic measures.

- A. **Officer Presence / Dialogue:** The presence of uniformed Law Enforcement officers or officers identified as police officers at a scene is the lowest and first step in the use of force continuum. Cooperative controls include methods developed to preserve officer safety and security, including communication skills and or non-verbal commands.

Compliant resistance/cooperation: These situations represent the vast majority of confrontations between officers and citizens. The officer establishes and maintains cooperation of the citizen(s) via cultural acceptance, verbalization skills and the like.

- B. **Control and Restraint:** When appropriate an officer may seek compliance by use of empty handed escort techniques. Frequently, this occurs when a subject is a passive resistor and needs prompting to comply by physical means.

Passive Resistance: This is the preliminary level of citizen non-compliance. Here the subject, although non compliant, offers no physical or mechanical energy enhancement towards the resistance effort.

- C. **Immobilization:** Immobilization of a suspect may be accomplished with Physical Force such as counter joint techniques, Chemical Irritants/sprays, Tasers or empty handed impact techniques. Immobilization may be appropriate when a suspect becomes actively resistant or aggressive or there is reasonable fear for the safety of the suspect, the officer or others. **Note the special requirements with respect to Tasers as found in Section VI b.**

Active Resistance: The subject's non-compliance is increased in scope and or Intensity. The subject's non-compliance now includes energy enhanced physical or mechanical defiance.

- D. **Impact techniques/Less Lethal weapons:** Used to strike or jab with the intent to immobilize and thus gain control of a person or the use of weapons designed to function as extended impact weapons. Examples may include the use of tools, specialty Impact Munitions, or hand-to-hand techniques. (1.3.4 CALEA 2006)

Assaultive (Bodily Harm): The officer's attempt to gain lawful compliance has culminated in a perceived or actual attack on the officer or others.

- E. Deadly Force: Any use of force that creates a substantial risk of causing death or serious bodily harm.

Assaultive (Serious bodily harm/death): The officer's attempt to gain lawful compliance has culminated in a perception of an attack or the potential for such attack on the officer or others. The officer makes the reasonable assessment that such actions by the subject could result in serious bodily harm or death of the officer or others.

- F. All use of force options must first be authorized by the Chief of Police prior to carrying. This does not prevent an officer from using other emergency options as a last resort in their self-defense or in the defense of another when the above options are unavailable or have failed to control an individual.

## **VI Procedure**

### **A. Levels of Force**

When determining the level or degree of force that is reasonable, an officer shall consider:

- a. The existence of alternative methods of control i.e. verbal commands, officer presence, or additional presence.
- b. Circumstances that may determine whether an officer escalates or deescalates the level of force include many factors, not limited to the following: Level of resistance, Officer and Suspects age, size, skill levels, number of suspects, instrumentalities, proximity to weapons, prior experience and knowledge of suspect, location of encounter and background or peripheral hazards and Officer injury/exhaustion.
- c. Officer/s will take into consideration the length of encounter and ability to continue. Officers are not required to use or consider alternatives that increase danger to themselves or to others.
- d. An officer is not required to retreat from the use of force when seeking to make an arrest or prevent escape.
- e. Any force options used must be both reasonable and necessary and as soon as resistance has ceased and the person is in secure custody, the use of force must cease. Force must never be used to punish a prisoner for resisting, or as a response to verbal insults and may only be used to accomplish lawful objectives.

B. Tasers may be used in the following circumstances:

1. To defend the officer or third party from what is reasonably believed to be an immediate threat of physical injury.
2. To prevent the commission of a suicide or self-inflicted serious physical injury.
3. To deter vicious or aggressive animals that threatens the safety of the officer or others.

Tasers should not be used, either through the use of a shot probe or through Drive Stun mode:

1. Punitively;
2. As a prod or escort device;
3. To rouse an unconscious, impaired or intoxicated individuals;
4. Against any person displaying passive resistance;
5. Absent exigent circumstances, against a handcuffed or restrained individual.

Absent exigent circumstances, officers should avoid activating multiple Taser devices against a single subject at the same time.

C. After Use of Force

Law Enforcement Code of Conduct:

A police officer will never employ unnecessary force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances:

The use of force should be used only with the greatest restraint and only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every police officer will refrain from unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person.

After the use of force, appropriate medical attention or decontamination shall be provided. This can include the flushing of chemicals from the Contaminated individuals. For any apparent injuries, (regardless of suspect's desire to be examined), for Taser probe removal, at the suspect's request for medical attention, or if the suspect is complaining of an injury/medical condition, a medical examination by Rescue, Inc. or by BMH emergency room staff is appropriate. If the individual refuses medical attention, that statement should be witnessed by an independent third party (i.e. Rescue, Inc. employee or BMH ER staff). If an independent third party is not available, the officer should completely document injuries, statements made by the suspect, and the fact they refused medical treatment. Photographs should be taken showing any injury (or lack thereof). (1.3.5 CALEA 2006)

D. Reporting

1. When it is necessary for an officer to use force as outlined above, greater than officer presence and dialogue, a Response to Aggression or Resistance report shall be filed with the on duty supervisor prior to

the end of the work shift. It is specifically intended that a Response to Aggression or Resistance report will be filed when:

- a. A firearm is drawn and pointed in the direction of an individual.
  - b. A taser is aimed at or a demonstration of the taser is directed at a subject.
  - c. In the judgment of the officer or their supervisor, any use of force is likely to result in a complaint against the officer.
  - d. Excessive force or misconduct is alleged or suspected.
  - e. An officer discharges a firearm, for other than training or recreational purposes.
  - f. An officer takes action that results in, or is alleged to have resulted in, injury or death of another person
  - g. An officer applies force through the use of lethal or less lethal weapons
  - h. An officer applies weaponless physical force at a level as defined by this agency. (1.3.6 CALEA 2006)
2. The on duty supervisor will review the Response to Aggression or Resistance report and the incident with the reporting officer and make any additional comments or recommendations on the report.
3. If a taser is deployed, the data-downloads will be captured and preserved as evidence for the life of case. If possible a sampling of the AFIDS tags will be secured from the scene.
4. The On Duty Supervisor will forward the Response to Aggression or Resistance report to the Patrol Captain and review the incident and report with the Patrol Captain. The Patrol Captain will review these reports to ensure that current Department policy is being followed, assess the need for policy modifications and identify training issues that need to be reviewed.
5. This report shall be forwarded to the Chief of Police for administrative review via the Patrol Captain. A copy shall be attached to any criminal case. The original report shall remain in the departmental Response to Aggression or Resistance file for a period of at least 3 years. The Chief of Police shall either accept the Response to Aggression or Resistance report and close the incident or send the Response to Aggression or Resistance report back to the Patrol Captain for further investigation.  
(1.3.7 CALEA 2006)

6. The Chief of the Brattleboro Police Department or a designee will conduct an annual analysis of all Response to Aggression or Resistance reports completed. The analysis should be looking for training or equipment needs and/or the need for policy modifications.

(1.3.13 CALEA 2006)

E. Post Deadly Force / Serious Physical Injury Incident

1. In the event that deadly force or Serious Physical Injury has been employed, the On Duty Supervisor (if not involved) should take over the incident scene, which should be secured for the purpose of an investigation. The involved officer should be removed from the scene to the Brattleboro Police Department or the Brattleboro Memorial Hospital or other treatment facility if necessary. Another officer shall be assigned to remain with the involved officer pending arrival of debriefing personnel and/or an investigator.
2. The Chief of Police will place an officer who has used deadly force or has caused serious bodily injury, on administrative leave with pay and benefits while an administrative review is conducted. This assignment shall not be interpreted to imply or indicate that the officer has acted improperly. While on administrative leave, the officer shall remain available at all times for official departmental interviews and statements regarding the incident, and shall be subject to recall to duty. The officer shall not discuss the incident with anyone except the state's attorney, departmental personnel assigned to the investigation, or the officer's private attorney, union representative, chosen clergy and immediate family. Upon returning to duty, the officer may be assigned to "administrative duty" for a period of time as deemed appropriate by the officer, his/her psychologist and the Chief of Police. (1.3.8 CALEA 2006)
3. When it is determined that the weapon the officer has used in an incident must be taken for evidentiary purposes, testing purposes, or for any other reason, the officer can be issued a department owned weapon as soon as is reasonably possible and upon continuation of active duty. A replacement weapon will not be issued until cleared by the treating psychologist or if the incident appears to be a result of a criminal act on the part of the officer.
4. In all cases where any person has been seriously injured or killed as a result of a use of force by a police officer, the involved officer will be required to undergo an emotional debriefing with a department-

furnished psychologist. The purpose of this debriefing will be to allow the officer to express his feelings and to deal with the moral, ethical, and/or psychological after-effects of the incident. The debriefing shall not be related to any department investigation of the incident and nothing discussed in the debriefing will be reported to the department. The debriefing session will remain protected by the privileged Professional Psychologist Code of Ethics. Initial psychological follow-up must be completed by the officer and the Department must be furnished with a letter clearing the officer as fit for duty, before the officer is reassigned to full duty.

## **VII. REVIEW OF USE OF FORCE POLICY**

All Department personnel authorized to carry lethal and less lethal weapons will be provided a hard copy of this training policy upon initial employment. The policy will be reviewed and instruction provided on the policy during range qualifications and before being authorized to carry a weapon. Any updates or modifications will be communicated and modified on the server copy. (1.3.12 CALEA 2006)

These procedures are intended for internal department use only and are not to be applied in any civil court or criminal proceeding; nor do they create a higher standard of safety or care with respect to third parties. A violation of these rules will be grounds for administration discipline only, while a violation of the law will be the basis for criminal or civil penalties which may be imposed by a court of law.

Appendix A: BPD Response to Aggression or Resistance form

Appendix B: BPD TASER Deployment Form

Appendix C: BPD Use of Force Continuum Diagram





**BURLINGTON POLICE DEPARTMENT  
DEPARTMENT DIRECTIVE  
DD05 Response to Resistance / Use of Force**

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**POLICY:** Officers are agents of the state authorized to use various degrees of force to effect arrests to ensure the public safety. Officers employ objectively reasonable force necessary to accomplish a legal purpose. Officers should use only the force that is necessary and appropriate for compliance to control of a suspect and only until compliance or control has been achieved.

**In determining whether a particular response to resistance (use of force option) is objectively reasonable the officer must consider;**

- 1. the seriousness of the offense the officer suspects when the force option is employed;**
- 2. whether or not the subject poses an immediate physical threat to the officer or others and the degree of that threat;**
- 3. whether the subject is actively resisting or attempting to evade arrest by flight;**
- 4. whether the totality of the circumstances justify the Officer's response.**

This policy is not to be construed to require Officers to assume unreasonable risks. In assessing the need to use force, the paramount consideration should always be the safety of the Officer and the public. The reasonableness of an Officer's decision to use force under this policy must be viewed from the perspective of a reasonable officer faced with the circumstances of the Officer on the scene, who may often be forced to make split-second decisions in circumstances that are tense, uncertain, rapidly evolving and without the advantage of 20/20 hindsight.

For all responses to resistances /uses of force, Officers will use contemporary techniques as instructed by certified instructors and/or in accordance with current training and practice.

Officers trained or certified with devices and tools should carry them in approved holders when performing uniform patrol functions unless otherwise authorized by the OIC. They should be removed only when their use is anticipated and shall be secured safely when not in use.

Officers will receive a copy of the Directive pertaining to use of force annually during firearms training. A member of the Department Firearms Committee will review the directive with Officers during annual firearms qualifications. All Officers shall be issued copies of and instructed in this policy prior to being authorized to carry any weapon or tool.

**I. DEFINITIONS, RESPONSE OPTIONS, AND INITIAL PROCEDURES**

- A. ACTIVELY RESISTANT** –Any affirmative action used by the subject to defeat the officer's ability to take the subject into custody.
- B. CONTROL/RESTRAINT** – Techniques, with or without tools, which redirect movement or cause compliance to direction.
- C. FORCE** – Conduct on the part of a Police Officer that is designed to assist the Officer in controlling a situation, actions or behavior of a person/s.
- D. LETHAL FORCE** – Force that creates a substantial likelihood of causing death or serious bodily injury.

An Officer may use lethal force to protect him/herself or another person from what the Officer reasonably believes to be an imminent threat of death or serious bodily injury. An Officer may also use lethal force to prevent the escape of a suspect where the officer has probable cause to believe that the subject has committed a violent crime involving the infliction or threatened infliction of serious bodily harm or death AND it is reasonable to believe that the freedom of the suspect poses an imminent threat of death or serious bodily injury to the Officer or other persons.

- E. **NON-LETHAL FORCE** – Levels of force that when employed temporarily control or immobilize a subject, but are not substantially likely to cause serious bodily injury or death.

An Officer is justified in using non-lethal force upon another person when, and to the extent that, he/she reasonably believes it necessary to arrest, detain, effect custody, to defend himself/herself or a third person from what he/she reasonably believes to be the imminent use of non-deadly force.

- F. **FIREARMS** – Refers to Department-issued handguns, shotguns, rifles, 37mm launchers, 40mm launchers, or other approved weapons.
- G. **GRENADIER** – Denotes an Officer trained and certified in the use of special impact munitions (SIMs) and during a deployment is any Officer armed and ready to use SIMs. The title differentiates the SIM armed Officer from conventionally armed Officers who would also be present during a confrontation, thus minimizing possible confusion when orders are given. Only Officers trained as Grenadiers by certified instructors will be authorized to carry and utilize SIMs.
- H. **IMMINENT** – “Imminent” for the purpose of this policy means impending or about to happen.
- I. **IMMOBILIZATION** – Immobilization of a suspect may be accomplished with control and restraint techniques, chemical agents, electronic control devices or impact techniques. Immobilization may be appropriate when a suspect becomes actively resistant or there is reasonable fear for the safety of the suspect or the safety of others.
- J. **IMPACT TECHNIQUES** – Techniques used to strike or jab with the intent to immobilize and gain control of a person.
- K. **REASONABLE BELIEF** – Facts or circumstances which would cause a reasonable Officer to act or think in a similar way under similar circumstances.
- L. **RESPONSE TO RESISTANCE REPORTS** – A report/database entry will be completed whenever an Officer uses force beyond that of persuasion or beyond compliant handcuffing or meets physical resistance during a detention or arrest, or takes any action that may reasonably result in injury to another person.
- M. **SERIOUS BODILY INJURY** – Injury which creates a substantial risk of death or which causes substantial loss or impairment of the function of any bodily member or organ; substantial impairment of health or substantial disfigurement.

## II. **RESPONSE TO RESISTANCE / FORCE OPTIONS**

The dynamics of all encounters are different and it is impossible to attempt to categorize and define the levels of force appropriate in any given situation. It is, however, reasonable to categorize the levels of force that may be used, to various degrees in any situation. When an Officer determines that the use of force is necessary and appropriate, he/she shall, to the extent possible, utilize objectively, reasonable force as determined by the particular needs of the situation.

- A. Officer Presence/Verbal Commands – Officers should use verbal de-escalation techniques when appropriate. Persuasion may occur by a show of authority of an Officer either by a uniform presence or obvious identification as a police Officer. Verbal and non-verbal commands should be given to direct and let a subject know what is expected of him/her. The subject should be informed by what authority he/she is being detained, arrested or taken into custody and what he/she must do to comply. Officers should inform subjects that if they are not compliant what result will occur. Officers should document their verbal orders in regard to arrest, investigative detention or protective custody and verbal warnings in regard to non-compliance and the result.

The option of Officer presence and verbal commands should not be construed to suggest that an Officer should risk the loss of control of a situation, thus endangering the safety of himself/herself or others, through the application of persuasion in situations where the use of escalated force is the proper choice.

- B. Control/Restraint (including soft empty-handed control techniques) – Officers use a variety of techniques in accordance with their training to gain compliance of passively or actively resistant subjects including but not limited to techniques using their hands, elbows, arms and bodies as well as tools such as straight batons, PR-24 batons, and other tools.
- C. Aerosol Agents – Oleoresin Capsicum (OC), 5% solution is the defensive agent used by the Department. It may be issued in one of several delivery systems including individual “fog” spray, individual “stream” spray, and a crowd control “fog” system (used in special circumstances only as authorized by the Officer in Charge).

Aerosol Agents are designed to provide a device to respond to various threat levels and may be utilized to address subjects who are actively resisting. When Oleoresin Capsicum (OC) or an ECD has been used the Officer shall, as soon as practical, provide the subject with the Administrative Warning form in preparation for providing care for the individual contaminated by the product.

- D. Electronic Control Device (ECD) –The TASER brand electronic stun device, Model X2, Model X26 or the XREP shotgun specialty impact munition round are the tools used by the Department. The ECD is generally used to respond to threat levels which place the Officer or other individuals in danger of physical harm due to the actions and behaviors of a suspect. ECDs are appropriate for subjects who are actively resistant, but shall not be used on passively resistant subjects. Flight alone is not a justification for use of an ECD and officers should consider the nature of the offense, the level of suspicion with respect to the person fleeing and the risk to others if the suspect is not apprehended immediately, as well as the type of ground where the subject will foreseeably fall.

1. ECDs are not to be used in a punitive or coercive manner and shall not be used to awaken, escort or gain compliance from passively resistant subjects.

2. Special consideration must be given to special populations that may be more susceptible to injury including the elderly, persons of small stature, children and those who the Officer has reason to believe are in ill health, pregnant or obviously cognitively impaired to the point of being unable to comply with instructions. If an officer knows that a subject suffers from a physical disability that would substantially increase the danger to the subject by using an ECD or if an officer knows that a subject suffers from a mental disability that would interfere with the subject's ability to understand and comply with an officer's commands the officer should refrain from using the ECD unless alternative tactics are not reasonably viable.

3. Absent the threat of a weapon or other special circumstance resulting in threat of imminent serious bodily injury, ECDs should not be used;

- a. When the Officer knows that the subject has come into contact with a flammable substance or there are flammable substances in the atmosphere.
  - b. When the subject is a member of the special populations group as listed above.
  - c. Where the officer knows a female is pregnant.
  - d. When, based on known factors, the subject is obviously physically disabled and it is reasonable to believe that use of an ECD would likely increase the danger to the person in a substantial way AND the subject does not pose an articulable threat regardless of their disability.
4. Special considerations that should also be factored into any use include;
- a. In an environment where the subject's fall could reasonably result in death or serious bodily injury.
  - b. When the subject has physical control of a motor vehicle in motion.
5. Deployment and Aftercare
- a. Certified ECD Officers shall discharge the ECD the least number of times and no longer than necessary in order to gain compliance.
  - b. Preferred target areas for deployment of the ECD in the probe mode include:
  - c. **Targeting a subject from the front:** The subject should be targeted to avoid probes being deployed into the chest and head. The appropriate target area is a horizontal line approximately even with the elbows and below or a horizontal line approximately 2 inches lower than the sternum and below. An ideal probe deployment from the front will "split the hemispheres" having one probe strike a subject above the belt line and the other probe striking the subject in the thigh or leg thereby activating the hip flexor. The groin area should be avoided.
  - d. **Targeting a subject from the back:** The subject should be targeted to avoid probes being deployed into the head and neck. The area above where the trapezius muscles merge with the narrow portion of the neck should be avoided. The area below a horizontal line drawn even with the shoulders across the neck and below is the recommended target area.
  - e. Certified ECD Officers may if practical, remove ECD probes at the scene of the deployment. If not practical or if one of the following occur, only emergency medical staff shall attempt to remove the ECD probes;
    - (1) The subject is hit in a sensitive area such as the face, head, groin, breasts, or stomach (of a pregnant subject).
    - (2) The subject does not appear to recover properly after deployment, or if the Officer then encounters problems when attempting to remove the probe.
  - f. Persons subjected to an ECD deployment SHALL be medically evaluated if one of the following occurs;
    - (1) The subject is a member of the special consideration population as defined in Section J.2 of this policy.
    - (2) The individual was subjected to more than three ECD deployments (5 second cycles or cycles of lesser duration) or has been subjected to more than one ECD device, or

was subjected to a continuous ECD cycle of 15 seconds or more; or was subjected to a deployment that struck the subject's chest area.

- (3) The subject has exhibited signs of extreme uncontrolled agitation or hyperactivity prior to the ECD exposure or does not appear to recover properly after the deployment.
- (4) The subject requests medical attention or is identified as having a known medical condition while being administered the ECD Administrative Warning to identify such information.

g. The ECD Officer shall make reasonable attempts to collect the probes, evidentiary tags (AFIDS), cartridge and wires used in the deployment for evidence in its use in the incident. When practical, reasonable attempts shall be made to also photograph the impact area of the probes.

h. As soon as feasible, that an Administrative Warning is given to the subject(s) of the ECD deployment in preparation for providing care for the individual.

5. Reporting - The deploying Officer shall notify the OIC as soon as practical regarding all deployments and shall complete a Response to Resistance report.

6. Officers should avoid deploying more than one ECD on a single subject at the same time unless special circumstances exist such as an ineffective probe spread on the first ECD or the first ECD fails to achieve immobilization of the subject. Secondary Officers responding to the scene should attempt to cuff the immobilized subject under power or position themselves to control the subject using empty hand control techniques while the subject is under power rather than deploying a second ECD. Secondary Officers should attempt to secure the subject as soon as practical given the facts of the particular incident.

7. Officers may use the ECD on handcuffed subjects when justified. The officer needs to consider the fact that the subject is already restrained. The subject needs to be an immediate threat of injury to the officer or others and/ or attempting to flee or continuing to actively resist. The officer needs to consider the nature of the offense. The officer should consider whether other control techniques might result in greater injury to the subject.

- E. Police Batons – The Monadnock PR-24 or straight baton (standard or expandable) are the tools used by the Department. The baton is designed to respond to various threat levels. Since the levels of force used in response to threats differ, the Officer must evaluate the level of the threat to determine the appropriate techniques to be employed. Batons can be used in accordance with approved techniques and target areas as a tool for control and restraint techniques, impact techniques and as an instrument to assist in the movement individuals or groups of individuals.

There are circumstances that are exigent in nature, by the level and immediacy of a threat, that a baton may not be able to be utilized even though an impact device would be appropriate. In such circumstances, an Officer may utilize alternate techniques or devices, as good judgment would deem appropriate. An example of such techniques or devices would include the use of arms and legs, flashlight, clipboard or other such method. Additionally, under circumstances that present an *imminent risk of serious bodily injury or death*, improvised weapons such as pens, knives carried by officers to cut ligatures and seat belts and other such tools or instruments could be used.

- F. Specialty Impact Munitions

1. An extended range impact weapon or ECD. Describes a variety of munitions designed to be launched from the 12-gauge shotgun, 37-millimeter gun, 40-millimeter gun, the TASER XREP shotgun or thrown by hand. SIMs are designed to achieve immobilization of a suspect without causing serious bodily injury or death when used by a trained operator (Grenadier) following established rules of engagement. SIMs may be used to deliver lethal force under specific circumstances. Weapons intended for use as delivery systems for special impact munitions are dedicated to that purpose only and distinctively marked.

2. SIMs are designed to function as extended range impact weapons and their use is justified whenever use of an impact technique is appropriate. The intended role of SIMs is to immobilize resistant persons at safe distances to prevent injury to Officers or the public. They may be used to prevent the escape of suspects under appropriate circumstances. In these cases, the severity of the threat posed by the continued freedom of the suspect must be carefully weighed. SIMs are also effective in crowd control and riot situations. When their use is anticipated in this capacity, the Grenadier will obtain clearance from the Officer in Charge prior to deploying one or more SIMs.

The decision to use Specialty Impact Munitions for the sake of the suspect should never be done at the risk of Officers' safety or that of the public. Officers are not required to assume unreasonable risks in deploying SIMs against a suspect threatening to use deadly force. Specialty Impact Munitions may be used against wild and domestic animals, to drive them away or to deter an attack. Where an animal poses a threat of bodily injury or must be euthanized conventional firearms should be used.

3. AUTHORIZATION AND QUALIFICATIONS FOR USE OF SIMs – Specialty Impact Munitions will only be deployed and used by Officers trained and certified in their use. These Officers will be referred to as "Grenadiers," an expedient term to differentiate them from non-authorized Officers who may be present at the scene or on duty. Prior to actually firing one or more SIMs, the Grenadier will first receive authorization from the Officer in Charge unless the situation evolves so quickly that prior authorization is not practical. When lethal force is justified, or when a situation escalates to that point, no authorization is necessary.

4. AVAILABILITY OF SIMs – When feasible and/or available, the shift commander will designate at least one Grenadier at the beginning of each shift. The Grenadier will check out the designated SIM delivery device and carry it with him/her in the field. All Officers and Dispatchers should know who the designated Grenadier for their shift would be. Additional Grenadiers may be deployed as necessary.

5. PRE and POST DEPLOYMENT – Grenadiers shall ensure that all SIMs brought into the field for use have current "expiration" dates and if deployment methodologies or guidelines are listed on the munitions; that those guidelines display ONLY the current Department practice. Any munitions that are "expired"/out of warranty or those that display non-current deployment guidelines should be removed from service. If SIMs are deployed, an effort should be made to the extent it can be done safely, to recover any deployed canisters or containers post-deployment so that they may be tagged into evidence.

#### G. Lethal Force - Firearms

1. When the decision is made to use lethal force, Officers may continue its application until the subject surrenders or no longer poses an imminent danger. Even when lethal force is permissible, Officers should assess whether its use creates a danger to third parties that outweighs the likely benefits of its use. For example, background or peripheral environments should be considered.

2. The following special provisions shall apply:

**a. Warning shots are strictly prohibited**

- b. Discharging a Firearm and Moving Vehicles – An Officer will not discharge a firearm at or from a moving vehicle except in extreme circumstances when necessary to preserve human life to protect him/herself or another person(s) from what the Officer reasonably believes to be an imminent threat of death or serious bodily injury.
- c. Unholstering Firearms – Firearms should only be drawn when an Officer has reason to fear for his/her safety or the safety of others, and at no other time in any public place.
- d. Dangerous/Injured Animals – Firearms may be utilized to kill a dangerous animal or one so badly injured that humanity requires its removal from further suffering when no other disposition is reasonably practical.
- e. Alcohol or Drugs – Officers will not use any Department approved firearm while under the influence of alcohol or regulated drugs.

3. After Lethal Force has been deployed - If able, Officers shall immediately call for an ambulance and render appropriate first aid until the arrival of rescue personnel.

4. In the event an Officer(s) has employed lethal force, or takes an action that results in (or is alleged to have resulted in) serious injury or death, the following will occur:

- a. The OIC should take control of the incident scene.
- b. The incident location should be secured for purposes of investigation.
- c. The involved Officer(s) should be removed from the scene to Burlington Police Headquarters or a treatment facility if necessary. An Officer should be assigned to stay with the involved Officer(s). If available, a Peer Officer Support Team (POST) member should be assigned this task.
- d. The involved Officer(s) should walk through the scene to assist the Officer(s) with recollection of the event prior to the end of the Officer's shift when practical.
- e. The involved Officer(s) should, circumstances permitting, provide a Public Safety Statement prior to leaving the scene and as contemporaneous to the event as possible when practical. The Public Safety Statement will be obtained prior to the end of the involved Officer(s)' shift when practical. The Public Safety Statement will consist of the following:

- 1. Type of force used.
- 2. Direction and approximate number of shots fired by the involved officer(s) and suspect(s).
- 3. Location of injured persons.
- 4. Description of outstanding suspect(s) and his/her direction of travel, time elapsed since the suspect was last seen and any suspect weapon(s).
- 5. Description and location of any known victims or witnesses.
- 6. Description and location of any known evidence.
- 7. Other information as necessary to ensure officer and public safety and assist in the apprehension of outstanding suspects.

5. Appropriate personnel should be contacted, including but not limited to the Detective Services Bureau supervisor, Deputy Chiefs of Operations and Administration, Chief of Police and Peer Officer Support Team members or counselors as necessary.

6. An Administrative Investigation by the Department should be initiated immediately whenever agency members have employed lethal force. Special provisions are described below:

- a. The Bureau of Internal Affairs will oversee the inquiry.
- b. The involved weapon shall be taken from the Officer for the purpose of investigation; As soon as practical, pending authorization from the Chief of Police or his/her designee, the Officer shall be issued a replacement weapon.
- c. An interview of the involved Officer(s) shall occur as soon as is practical considering the need to balance proper investigative follow up with the medical or psychological needs of the Officer(s).
- d. The inquiry should generally be completed within five (5) days.
- e. The Officer shall be placed on administrative leave or assigned to the Administrative Services Bureau pending completion of the inquiry.
- f. Psychological follow-up for post-incident trauma will be directed by the Chief of Police. Responsibility for payment of such services shall be borne by the City. An Officer may with prior approval of the Chief of Police, seek psychological follow-up from a licensed professional of his/her choice. Initial psychological follow-up must be completed by an Officer before the Officer is reassigned to duty.
- g. The Officer shall be kept informed of the progress of the inquiry and upon completion, notified in writing of the outcome.
- h. The Chief of Police, or his/her designee, shall notify the State's Attorney and City legal counsel. The Chief may request an independent review or investigation by an outside agency.
- i. Reports - Except for authorized range practice or the disposal of an animal or following incidents resulting in possible serious injury or death to a person, Officers will submit a written report of the circumstances surrounding all on-duty force used and firearm discharges prior to the end of their shift. In the event of an incident involving serious injury or death to a person, the Officer shall submit his/her report expeditiously, unless the Chief or his/her designee determines that mitigating circumstances exist which prohibits expeditious completion of the report. In such cases, the report shall be completed as soon as is practical once the mitigating circumstance(s) has been resolved. A written report will be generated when an Officer uses force or when unintentional discharge of a department-approved weapon occurs while on or off duty. The report should include a description of the actions of the subject that necessitated a particular use of force, the reasons why force was required and a description of the type of force utilized by the Officer and any injuries to or complaint of injuries by the subject or the officer and a description of any medical treatment received.

#### H. Factors in Choosing the Level of Response to Resistance/Force Deployed

1. Circumstances that may be considered in the officer's assessment of physical threat include but are not limited to: the following:
  - a. age
  - b. size
  - c. skill level



- d. number of suspects
  - e. instrumentality
  - f. proximity to weapons
  - g. prior experience with the suspect(s)
  - h. location of the encounter
  - i. background or peripheral hazards
2. Absence of a Safe Alternative: Officers are not required to use or consider alternatives that increase danger to themselves or to others. Among the factors affecting the ability of Officers to safely seize a suspect, the following are relevant:
- a. Response to Commands – Verbal warnings prior to using force should be given when feasible, i.e., when to do so would not significantly increase the danger to Officers or others.
  - b. Availability of Cover – Availability of cover provides a tactical advantage. An Officer in a position of cover may gain additional time to assess the need to use lethal force without incurring significant additional risks.
  - c. Time Constraints – There are inherent disadvantages posed by the issue of action/reaction lag time. This, coupled with the uncertainty of any instrument to instantaneously stop a threat, creates additional time considerations during any use of force encounter.

### III POST-EVENT PROCEDURES AND AGITATED CHAOTIC EVENTS

Whenever an Officer responds to resistance/uses force and a subject sustains an injury, becomes unconscious, displays a further altered mental status, or states that they are injured, officers should render aid commensurate with their training and experience and summon emergency medical assistance as quickly as possible under the circumstances. If the Officer recognizes indicators that the subject is suffering from an Agitated Chaotic Event (Excited Delirium) the Officer should have emergency medical assistance staged prior to physical or tooled intervention to control the subject. Indicators that a subject is suffering from an Agitated Chaotic Event include: intense paranoia, extreme agitation, severe emotional swings, disorientation about time, place, and purpose, hallucinations, incoherent speech or screaming, pressured speech, grunting guttural sounds or agonal breathing, violent behavior, bizarre behavior, “eight ball” eyes and breaking glass. In the case of the **Agitated Chaotic Event** the Officer(s) should attempt to control and restrain the subject as soon as possible and **shall** seek medical attention for the subject immediately. The Officer should document that he / she informed medical personnel that the officer believes the subject is suffering from an Agitated Chaotic Event (Excited Delirium) and the Officer should obtain and document any medical information related to: toxicology, stimulant, drug presence, core body temperature, blood pressure, heart rate, pH level and potassium levels. In addition, Officers should, to the extent possible, obtain photographs or video of a subject suffering an Agitated Chaotic Event to **document any trauma or lack thereof**.

### IV. REPORTING

A report/database entry is required whenever an Officer responds to resistance/uses force beyond that of persuasion; meets physical resistance during a detention or arrest or takes any action that may reasonably result in injury to another person. Incidents requiring the completion of a Response to Resistance Report include, but are not limited to: discharge of a firearm other than in training, disposal of an animal, use of a baton or specialty impact munition, use of defensive agent, use of electronic control device, any strike with a blunt object, any punch, kick or other strike; dog bite(s), intentional ramming with a vehicle; or any type of force resulting in actual or alleged injury or death.

The response to resistance / use of force report should contain details of the subjects actions and the officers responses.

A report shall not be required for compliant handcuffing or compliant directions followed. Except for unusual circumstances outlined below, every response to resistance/use of force report is due by the completion of the shift during which the use occurs. In the event of a critical or unusually stressful incident, officers may be asked to complete a preliminary "public safety" draft of a report to document basic information that can further an investigation. In such instances, a full report may be completed during their next duty shift.

Officers should be mindful to describe in detail the subject's actions that led to the officer's response.

Officers should also take all reasonable steps to gather and preserve any electronic (e.g. audio or visual recordings) or physical evidence regarding Response to Resistance / Use of Force events. Events such as the brief detention or arrest and continued custody of a subject using only compliant handcuffing, may not require a Response to Resistance report, however, the incident does require a narrative report detailing the facts and circumstances of the use and type of authority by the Officer who applied it.

## V. REVIEW

- A. Analysis of response to Resistance / Use of Force – The Administrative Deputy Chief is responsible for conducting a monthly review of Response to Resistance reports. The purpose of these reviews is to ensure that present Departmental policy is being followed and to assess the need for policy or procedural modifications; and to identify trends that would indicate the need for further training.
- B. The Administrative Deputy Chief is also responsible for the completion of an annual report on the use of force to be submitted to the Chief of Police.
- C. Specific supervisors will be assigned by the Administrative Deputy Chief to perform initial response to resistance / use of force report review in order to ensure continuity of the review process. If this supervisor is directly involved in the use of force they will not review the officer's report and the review will be assigned to another supervisor in the pool of supervisors designated by the Administrative Deputy Chief. If the content of the report is inadequate the report will be returned to the Officer and the Officer will add more detail.
- D. **If a response to resistance / use of force results in serious bodily injury or death to any person, OR results in a discharge of a firearm, OR a K9 is deployed resulting in a bite, OR a neck restraint is applied to the subject rendering the subject unconscious, OR the subject receives any other injury that requires medical attention or medical screening the involved officer will notify a supervisor to respond to the scene.** The supervisor will complete an investigation including a brief narrative documenting the scene, witnesses present and their statements, photograph or video record the scene and the subject(s) documenting injuries or lack thereof. The supervisor should ask the subject if they are injured and if they require medical attention and document the subject's responses and to ensure medical attention when necessary. In the case of a use of force resulting in serious bodily injury or death to any person OR resulting in the discharge of a firearm, OR a K9 is deployed resulting in a bite, OR a neck restraint is applied rendering a subject unconscious the supervisor responding to the scene will notify the Operations Deputy Chief.

## VI. CARRYING OF NON-ISSUED EQUIPMENT INTENDED FOR THE USE OF FORCE

Burlington Police Officers will not carry non-issued equipment intended for the use of force unless the Officer has been authorized in writing by the Chief of Police to do so and has been certified by an authority recognized by the Chief of Police. The Officer will maintain proficiency and certification by an authority recognized by the Chief of Police in the use of this equipment.

## VII. FIREARMS

### A. DUTY WEAPONS.

While on duty, all Officers of the Department will carry only those firearms and ammunition that are issued by the Department.

1. Duty weapons will be a .40 caliber Glock. All duty weapons will be "factory" approved.
2. Only Department approved ammunition may be used in any weapon carried on duty, and the ammunition must be factory fresh (new).
3. Any modifications or accessories to the Department weapon must have the prior written approval of the Firearms Committee, Department Armorer and the Chief of Police.
4. The Administrative Services Bureau will maintain all Department firearm records.
5. Prior to being authorized to carry a weapon on duty, Officers must qualify with the weapon under Department standards and as required by 20 V.S.A. 2355(a)(4), and Rule 31(b) of the Vermont Criminal Justice Training Council Rules & Regulations. Before being qualified to carry a weapon, the Officer must demonstrate knowledge of the weapon as to parts, fieldstripping, cleaning and safe handling techniques. They must also be able to demonstrate level 1 and 2 malfunction clearing.
6. All weapons should be inspected by the Department Armorer or Firearms Instructor prior to use on duty and will be kept serviceable by the carrying Officer as follows:
  - a. The firearm will be cleaned after training use, before the next tour of duty.
  - b. The firearm will be kept clean from dust, lint and other particles that tend to collect on the weapon through daily carrying.
  - c. The firearm will be kept properly lubricated.
  - d. When on duty the firearm will be fully loaded with a round in the chamber.
7. All duty leather will be of similar type and style as is currently issued by the Department. Uniformed Officers are required to carry a double magazine pouch with two extra magazines. Plain-clothes Officers are required to carry at least one extra magazine.
8. All Officers, while outside police headquarters during regular work hours, shall carry a firearm and be equipped to reload the weapon as designated above. The effected Officer's Deputy Chief may authorize exceptions to this requirement. Officers in plain clothes who are carrying a firearm that is visible should display a badge and/or identification simultaneously to the extent possible.

### B. FIREARMS PROFICIENCY

1. As required by V.S.A. Title 20, Chapter 151, Subsection 2358, Rule 32, Officers will receive annual firearms training and demonstrate proficiency with any/all approved weapon(s) that he/she is authorized to use.

2. Training in use of force will only be conducted by instructors certified by the Vermont Criminal Justice Training Council. All instruction in use of force will be documented and reported to the Administrative Deputy Chief.
3. In the event an Officer fails to qualify with his/her on duty firearm, the Training Unit, in conjunction with the Department's Firearms Instructors will arrange a remedial training plan for the Officer to ensure that annual qualification is achieved. If the Officer fails to qualify before his/her regularly scheduled shift following the expiration of his/her qualification the Officer shall be assigned to administrative duty until he/she demonstrates proficiency.
4. Whenever remedial training is recommended, a firearm instructor will be present during the training. Remedial training should consist of review and practice in the basic firearm shooting components (handgun or shoulder arm) and range practice. The firearm instructor will complete and file an outline of the remedial plan, and the results of the training session.

### C. SHOTGUNS

Shotguns are an integral part of the field Officer's equipment and may be deployed at the Officer's discretion utilizing the standards as set forth in this Directive.

1. The Officer in Charge shall:
  - a. Ensure that shotguns are signed out and inspected
  - b. Ensure that shotguns are returned empty with the safety on, action open and undamaged prior to placing in storage
  - c. Notify Administrative Services Bureau of damage or malfunction
  - d. Conduct periodic familiarization of the shotgun with Officers under their immediate command
2. If an Officer chooses to carry a shotgun while on patrol the Officer shall:
  - a. Inspect and perform a safety and function check of the shotgun at the beginning of each shift, and sign the shotgun out on the equipment inventory sheet before each tour of duty
  - b. Report any malfunction of a Department shotgun to the OIC
  - c. Secure the shotgun in a locked rack within the police vehicle
  - d. Secure the shotgun in the equipment requisition room of USB at the end of each tour of duty empty, with the action open and with the safety on. Notify OIC of the return of the weapon
3. Department Armorers shall:
  - a. Inspect and maintain all department weapons. They shall ensure that all department shotguns are fired no less than once annually.
  - b. All repairs shall be made by a Department Armorer and he/she shall maintain current record of all maintenance performed.
4. Cruiser Carry of Shotgun:
  - a. A loaded Department shotgun carried in a police vehicle shall contain five rounds of .00 buckshot in the magazine, action closed and the safety shall be in the "ON" position. A shotgun shall not be carried in a police vehicle with a round of ammunition in the chamber.
  - b. Shotgun slugs shall also be available for duty use.

- c. Shotguns while being carried by an Officer in a non-tactical situation shall be carried with the muzzle pointing up and the height of the top of the muzzle should be above the head of the tallest person within the general area.
- d. The loading and unloading of Department shotguns shall be done outside of Police Headquarters. Shotguns stored in reserve shall be maintained in the equipment room unloaded, action open and the safety shall be in the "ON" position.

#### D. PATROL RIFLES

- 1. The AR-15 patrol rifle, in configurations approved by the Firearms Committee, is the patrol rifle available for use in the field as an assigned rifle to an individual officer or assigned daily. Only Department approved ammunition shall be used as recommended by the Federal Bureau of Investigation.
- 2. Assigned rifles will be issued to a designated group of officers. Additional, shared rifles will be available to officers not issued a rifle. Shared rifles will be sighted by the department firearms instructors annually. Officers will sign out rifles at the beginning and return them at the end of each shift.
- 3. Issued rifles will be provided to individual officers for long term use and are not transferable unless authorized. Issued rifles may be subject to approved modifications only as specified below.
- 4. Officers carrying rifles are required to qualify annually as specified by the firearms committee.
- 5. The Officer in Charge shall:
  - a. Ensure that officers assigned or issued a patrol rifle have them during their shift are accounted for and inspected;
  - b. Notify the Administrative Services Bureau and Firearms Supervisor of damage or malfunction.
- 6. Officers assigned or issued a patrol rifle are required to have them in the field and available while on patrol. Officers may seek permission from the OIC, under special circumstances not to carry the rifle with them while on patrol. The request will be noted on the OIC daily log.
  - a. Inspect and perform a safety and function check of the rifle in approved area at the beginning of each shift
  - b. Report any malfunction of a department patrol rifle to the OIC
  - c. Secure the rifle in a locked rack within the police vehicle or in a hard or soft sided case in the trunk of the vehicle. The vehicle must be locked at all times.
  - d. Secure the rifle in its case in their department locker or in designated secure locations at the end of each tour of duty. All ammunition and magazines removed, chamber cleared and safety on.
  - e. With prior written approval from a department firearms Supervisor or Deputy Chief an officer may train with his/her issued rifle at an official "rifle" range while off duty (i.e. one of the local fish and game clubs).

7. Cruiser-carrying of the patrol rifle:

- a. A loaded department rifle carried in a police vehicle shall contain a magazine-loaded 2 rounds below the manufacturer's stated capacity (e.g. 28 rounds in a 30 round magazine). The bolt will be forward, the chamber empty and the dust cover closed. The safety selector will be set in the ON position. A rifle shall not routinely be carried in a police vehicle with a chambered round. Officers shall charge the weapon when they deploy it from the vehicle for possible use. Following deployment, as soon as it is prudent, they will download any chambered rounds before returning the weapon to the rack and/or case in the vehicle. When clearing the rifle of a chambered round the rifle will be pointed in a direction that ensures minimal risk of damage or injury in the event of an accidental firing.
  - b. Rifles will be transported by Officers in non-tactical situations with the muzzle up or slung with the muzzle down.
8. Department Armorers shall inspect and maintain all department weapons annually. They shall ensure all department patrol rifles are fired no less than once annually;
9. All repairs shall be made by a Department Armorer or other qualified sources, approved by a Department Armorer. A record shall be maintained of all maintenance performed.
10. Officers issued a patrol rifle, at their own expense, will be permitted to purchase and use approved non-magnified sights, (i.e. EOTech or Aimpoint). Officers can also add a stand alone magnifier as long as the magnifier can be immediately disengaged from the sight system so that the sight can be used without magnification (An example of this type of magnifier is the EOTech 3x spring loaded magnifier). The officer shall complete all annual training with the sight in place prior to using it while on patrol. At no time will the department be responsible for lost or damage to sights or magnifiers that are personally owned.
11. Officers issued a patrol rifle at their own expense, will be allowed to add an approved fore end pistol grip. The officer shall complete all annual training with the grip in place prior to using it while on patrol. At no time will the department be responsible for lost or damaged grips that are personally owned.

E. FIREARMS SAFETY

1. The Department does not require or encourage the carrying of a firearm while off-duty. If an Officer chooses to carry a firearm other than the Department issued firearm off-duty, he/she is encouraged to demonstrate and document proficiency with the firearm. The latter should not be construed in any way as an endorsement of off-duty carry.
2. Except for general maintenance, storage or authorized training, Officers will not draw or exhibit any firearm in public unless circumstances create a reasonable belief that it may be necessary to lawfully use the weapon in conformance with other sections of this policy.
3. Officers will not point or direct their firearm at a person unless circumstances create reasonable belief that it may be necessary to lawfully use the weapon in conformance with other sections of this policy.
4. An unintentional discharge barrel will be for loading and unloading of weapons. The muzzle of the weapon will be pointed into the unintentional discharge barrel when chambering or ejecting a live round.

5. The Department encourages storing the Department approved weapon securely at Headquarters when off duty. Wherever an Officer chooses to store her/his weapon it must be secured in such a way as to reasonably insure that no unauthorized person will have access to or gain control of the weapon. The Department encourages Officers to store their weapon unloaded.
6. Officers will exercise all customary safety precautions and obey all appropriate rules or directives while practicing on the range.
7. Officers shall keep their firearms in clean, in working condition with special care taken to clean and lubricate the weapon after firing.
8. No alterations in the mechanical action or functions of any weapon carried on duty shall be made unless by the Department Armorer for that weapon.

Reviewed and adopted by the Burlington Police Commission on January 22, 2013.

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Michael E. Schirling, Chief of Police

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Effective Date